

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VINCENT RUSSELL,

V.

AVERY LYONS, et al.,

**Plaintiff,**

## Defendants.

No. 2:22-CV-1863-RAJ-DWC

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
  - (2) Defendants' Motion to Dismiss (Dkt. 31) is granted and Count II of the Amended Complaint is dismissed with prejudice. This case will proceed on Plaintiff's Fourth Amendment claim, as alleged in Count I.
  - (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. David W. Christel.

**DATED** this 28th day of September, 2023.

Richard D. Jones

The Honorable Richard A. Jones  
United States District Judge